

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2012/2365	Ward: Hornsey
Address: Cleopatra House Pembroke Road N8 7RQ	
Proposal: Demolition of existing derelict warehouse and erection of part 3 part 4 storey building incorporating 5x1bed, 2x2bed and 1x3bed dwellings with basement for 5 car park spaces	
Existing Use: Warehouse	Proposed Use: Residential
Applicant: Mr Barouch Saar	
Ownership: Private	
Date received: 10/12/2012	
Drawing number of plans: BS CH P2 001,01, 02, 03, 04, 06, 08 & 09.	
Case Officer Contact: John Ogenga P'Lakop P: 020 8489 5594 E: john.ogenga@haringey.gov.uk	
PLANNING DESIGNATIONS: Retrieved from GIS ALMO	
RECOMMENDATION GRANT PERMISSION subject to conditions and subject to sec. 106 Legal Agreement	
SUMMARY OF REPORT: The proposal seeks permission to demolish the existing warehouse and redevelop the property to use the site for eight self-contained flats to comprise a part 3 part 4 building, 5 x 1bed, 2 x 2bed and 1 x 3bed dwellings. It addresses shortcomings in previous schemes in 2003 and 2012.	

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1.0 PROPOSED SITE PLAN



2.0 IMAGES



1)



4)



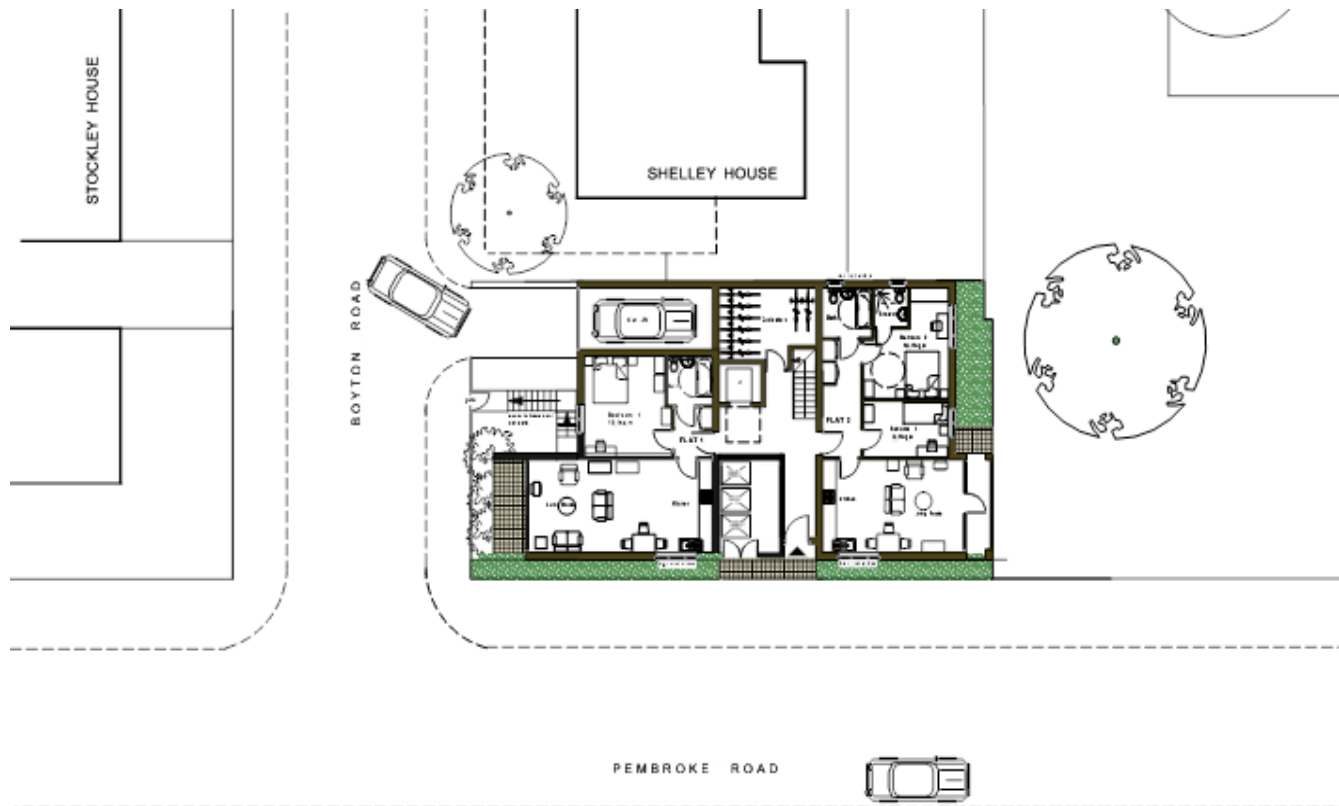
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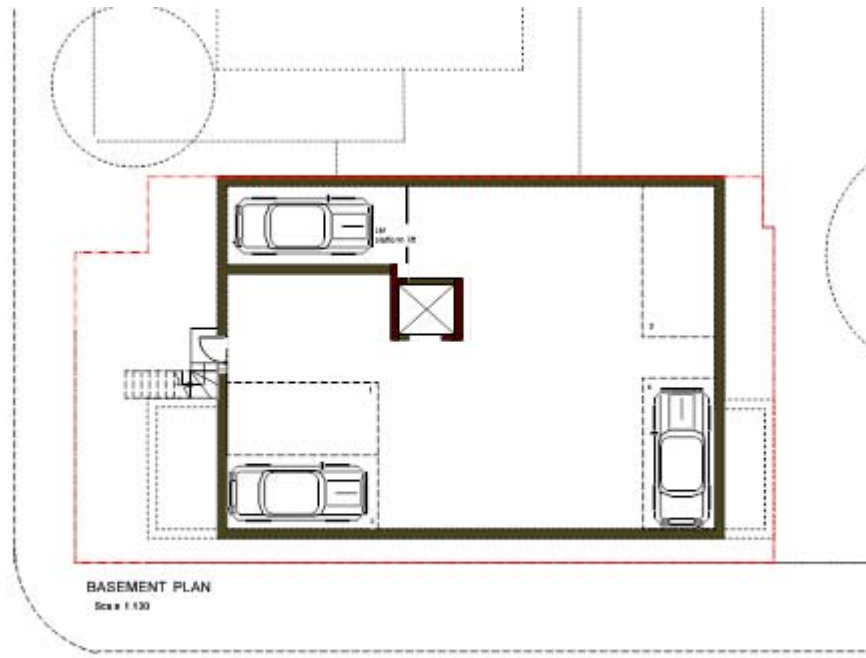


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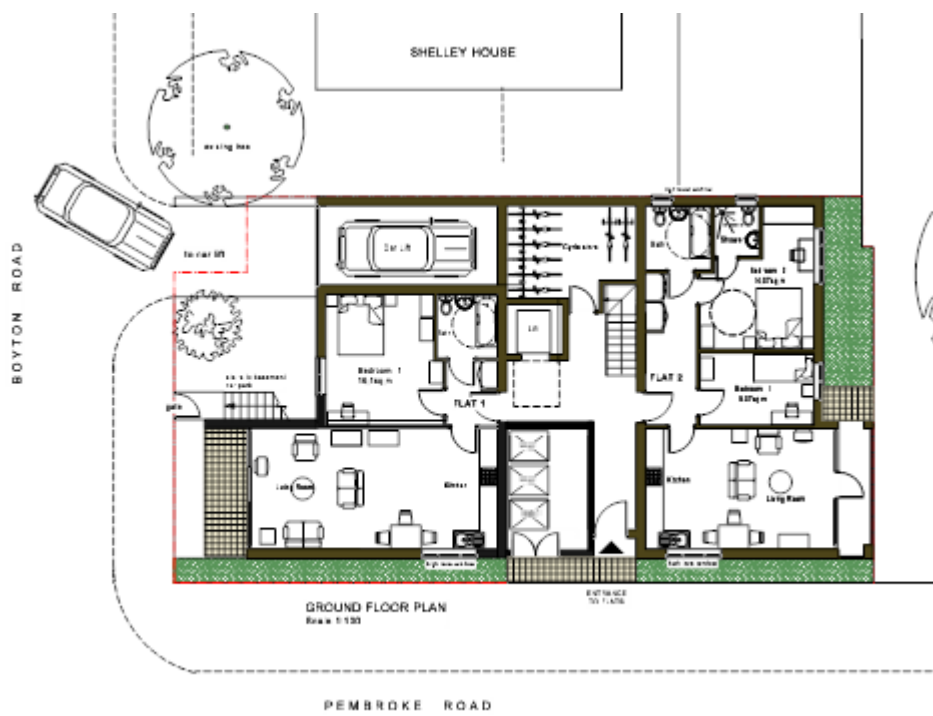


BLOCK PLAN AND SURROUNDING BUILDINGS





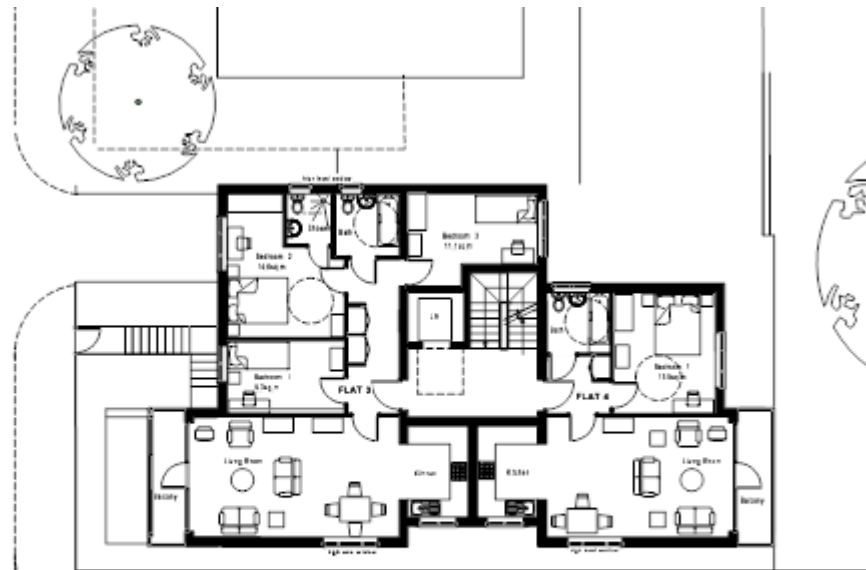
BASEMENT PLAN
Scale 1:100



GROUND FLOOR PLAN
Scale 1:100

Not to scale from our site survey to accommodate a

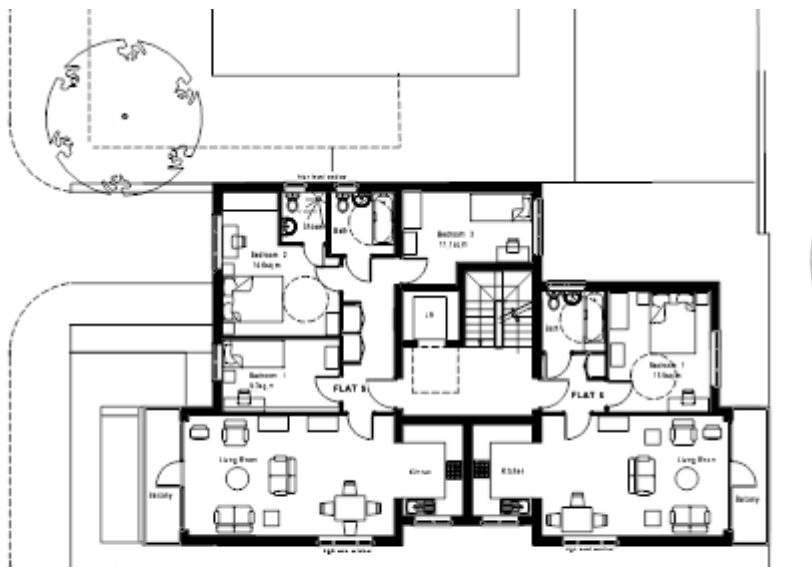
BOYTON ROAD



FIRST FLOOR PLAN
Scale 1:100

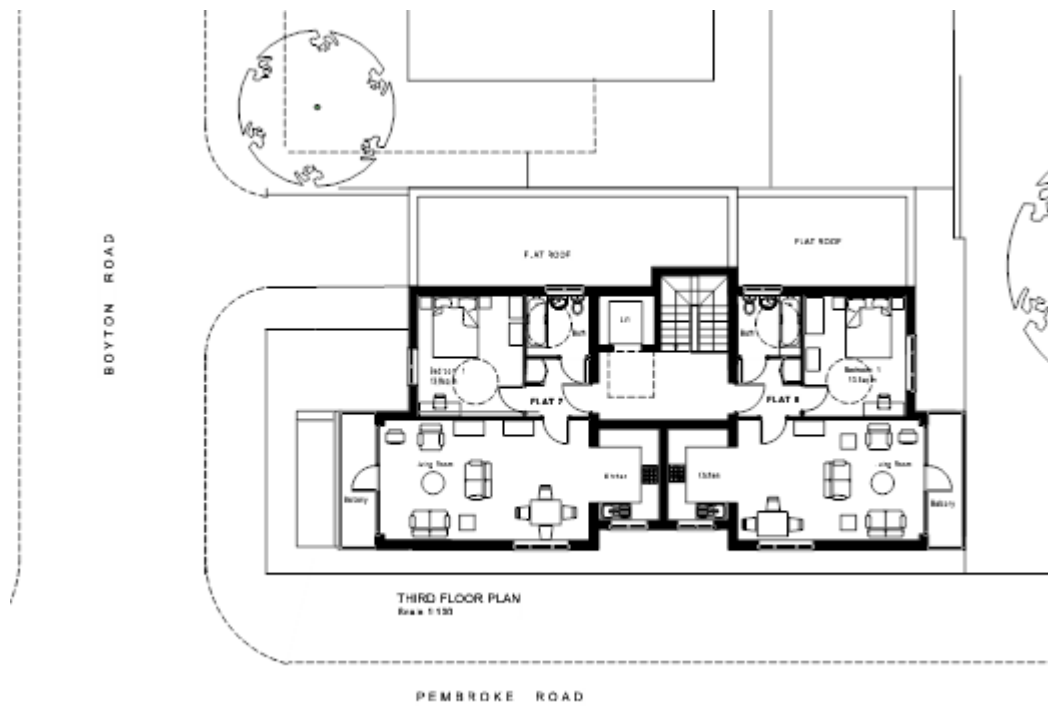
PEMBROKE ROAD

BOYTON ROAD



SECOND FLOOR PLAN
Scale 1:100

PEMBROKE ROAD



SIDE AND REAR ELEVATION



BOYTON AND PEMBROKE ROAD ELEVATION



3.0 SITE AND SURROUNDINGS

- 3.1 The application site comprises a 1 storey derelict warehouse on a corner site between Pembroke Road and Boyton Road. Both Pembroke Road and Boyton Road are entirely residential roads with largely 3 to 4 storey blocks of flats interspersed with some green areas to the east and immediately to the north east. Shelley House to the north is a part 3 part 4 storey building, to the east in Boyton Road Stockley House another 3 storey modern building and to the south more recent elevated 3 storey blocks with car park underneath.

4.0 PLANNING HISTORY

4.1 Planning Application History

HGY/2002/0432 – Development for 12 flats. Permission refused and appeal dismissed – 2003.

HGY/2012/0045 - Demolition of existing warehouse and erection of part 3 / part 4 storey building comprising 4 x one bed flats, 3 x two

bed flats and 1 x three bed flat. Appeal dismissed July 2012 but solely on transport and parking matters.

4.2 Planning Enforcement History

There is enforcement record on the site.

5.0 RELEVANT PLANNING POLICY

5.1 National Planning Policy

National Planning Policy Framework (NPPF) - The NPPF supersedes the previous Planning Policy Statements (PPSs) and Planning Policy Guidance notes (PPGs). The NPPF asserts, among other things, the importance of promoting sustainable development and good quality design.

5.2 The London Plan - 2011

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing Choice

5.3 Unitary Development Plan

G2 Housing Supply
UD3 General Principles
UD4 Quality Design
UD7 Waste Storage
HSG1 New Housing Development
HSG10 Dwelling Mix
M4 Pedestrian and Cyclists
M10 Parking for Development

5.4 Supplementary Planning Guidance / Documents

SPG1a Design Guidance
'Housing' SPD October 2008
SPG8b Materials
SPG9a Sustainability Statement

5.5 Draft Local Plan (Formerly Core Strategy) and Proposals Map

SP1 Managing Growth
SP2 Housing
SP6 Waste and Recycling
SP7 Transport
SP11 Design

6.0 CONSULTATION

Statutory	Internal	External
None	Transportation Cleansing Building Control Aboriculturalist Ward Councillors	<u>Amenity Groups</u> London Fire Brigade <u>Local Residents</u> <u>Total No of Residents</u> <u>Consulted: 243</u>

7.0 RESPONSES

7.2 Local Residents

Three letters of objection has been received from nearby residents. The points raised here are that

- The current building has a narrow pavement along Pembroke Road resulting into danger for pedestrian
- A new block of flat would be very close to Shelley House. This would diminish light and be intrusive.
- The person who owns the building has let it fall into disrepair.

8.0 ANALYSIS / ASSESSMENT OF THE APPLICATION

Background

A previous proposal (HGY/2002/0432) in 2002 for the redevelopment of the site comprising 12 flats was refused and dismissed on appeal (ref: 1100544). The main issues that the Inspector considered then were the effect on the local street scene, effect on living condition and on street parking and transport issues. A second scheme for seven flats was submitted in 2012 and subsequently appealed. The Inspector indicated that the scheme was broadly acceptable but dismissed an appeal solely on parking grounds. This matter has been addressed here.

8.1 The main issues in respect to this application therefore are considered to be:

- The principle of residential use;
- Design and Appearance;
- The layout/ standard/ mix of accommodation;
- Residential Amenity;
- Parking and access;
- Sustainability;
- Waste management;
- CIL applicability;

- Planning Obligation Section 106;

8.2 The principle of residential use

8.2.1 National, regional and local planning policies support developments which contribute to the housing supply provided these do not override policies of design and amenity. The site is currently occupied by a disused warehouse. The demolition of the existing building constitutes permitted development under Part 31 of the General Permitted Development Order 1995 and therefore planning permission is not required to demolish the existing building. The principle of residential use on this site is considered to be acceptable given that the site is surrounded by residential uses and is within a broader residential area. It is considered that a part 3 part 4 building of the kind proposed, would sit well with the development pattern of the local area whilst adding to the housing need of the Borough in compliance with National and the London Plan (2011).

8.3 Design and Appearance

8.3.1 In considering the current scheme, considerable weight has to be given to the findings of the inspector in a 2012 appeal who found the development to be broadly acceptable in its context. The building is proposed to be set back from the public footway on Boyton Road on the same building line with Shelley House for the first 7.5 metres and 2.4 metres from the footpath closer with Pembroke Road, and also with the entrance set back from the footpath.

8.3.2 The proposed development seeks accommodation on 3/4 floors. It is considered that the design solution meets the aims of UDP Policy UD3 General Principles and that the proposed new building would sit well with the development pattern of the local area.

8.4 The layout/ standard/ mix of accommodation

8.4.1 The proposal provides a mix of family and non-family accommodations and directly supports UDP Policy HSG1. Each of the flats exceeds the minimum floorspace standards set out in Policy 3.5 of the London Plan and the minimum room sizes in the Council's Housing SPD. The arrangement of the flats are such that flat 1 (1bed2P) would be 57m², flat 2, 66m², flat 3, 84m², flat 4, 54m², flat 5, 88m², flat 6, 54m², flat 7, 54m² and flat 8, 53m². The proposed 5 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom dwellings meet and exceed Policy 3.5 of the London Plan floorspace standards.

8.4.2 Policy 3.8 of the London Plan requires among other things that new housing meets Lifetime Homes standards. It is considered the proposed development being a new built would achieve this standard but this matter could be addressed via a condition.

8.5 Residential Amenity

8.5.1 Other than the 5m² balconies that have been proposed on the Boyton Road and rear elevations for the individual units, 65m² of external additional space is available around the building. This meets the required amount of external amenity space for each unit required by the Housing SPD and complies with the provisions of Policy UD3 General Principles and Housing SPD.

8.6 Parking and access

8.6.1 Five car-parking spaces are to be provided in the lower ground of the proposed development. Haringey Transportation Team has been consulted and have not objected to the proposal. They commented that the parking provision is in line with that required by Haringey's adopted UDP and the 2011 London Plan

8.7 Sustainability

The orientation of the living spaces would mostly afford a south facing aspect to maximise solar gain. A condition has been proposed to ensure the new dwellings meet Code 4 of the Code of Sustainable Homes in support of London Plan and UDP policies to promote sustainable development.

8.8 Waste management

8.8.1 Haringey Waste Management Team has been consulted and commented that the plans show a refuse /recycling store that would be accessed from directly from the front of the building. In their opinion the proposal has to be given RAG traffic light status of GREEN for waste storage and collection arrangement meaning it is satisfactory. A condition however would be imposed that details of such waste storage/recycling and collection to be submitted and approved in writing by the Local Planning authority.

9.0 CIL applicability

9.1 The proposal will be liable for the Mayor of London's CIL as the additional floorspace exceeds 100m²/ the scheme provides one or more residential units. Based on the Mayor of London's CIL charging schedule and the information given on the plans the charge is likely to be 611m² x £35 = £21,385. This would be collected by Haringey after implementation (if permission were granted) and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, or and indexation in line with the construction costs index.

10.0 Planning Obligations/Section 106 Agreement

10.1 Under Section 106 of the Town and Country Planning Act 1990 and section 278 of the Highways Act 1980, the applicant is required to enter into an Agreement or Agreements with the Council in order to secure a financial contribution of £10,000 (Ten thousand pounds) towards undertaking further feasibility and design studies for the expansion of the CPZ to include the area surrounding the site.

10.2 As part of the S106, it is also recommended that a financial contribution of £1,500.00 is required from this development through a legal agreement in order to secure a contribution towards recovery/administration costs

11.0 HUMAN RIGHTS

11.1 All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 where there is a requirement to give reasons for the grant of planning permission. Reasons for refusal are always given and are set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

12.0 EQUALITIES

12.1 In determining this planning application the Council is required to have regard to its obligations under equalities legislation including the obligations under section 71 of the Race Relations Act 1976. In carrying out the Council's functions due regard must be had, firstly to the need to eliminate unlawful discrimination, and secondly to the need to promote equality of opportunity and good relations between persons of different equalities groups. Members must have regard to these obligations in taking a decision on this application.

13.0 CONCLUSION

13.1 The principle of residential use on the site is acceptable as is the mix of dwellings proposed. The accommodations would be spacious and there is a considerable amount of amenity space proposed. The provision of new housing at this location is consistent with UDP and London Plan policies which seek to create new housing at and optimise housing potential on appropriate sites. Other aspects of the development can be covered via planning condition. It is therefore appropriate to recommend that planning permission be approved.

14.0 RECOMMENDATIONS

GRANT PERMISSION subject to conditions and/or subject to sec. 106 Legal Agreement

Applicant's drawing No. (s) BS CH P2 001,01, 02, 03, 04, 06, 08 & 09.

Subject to the following condition(s)

1. **TIME LIMIT** The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect. Reason: This condition is imposed by virtue of Section 91 of the Town & Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.
2. **IN ACCORDANCE WITH APPROVED PLAN** The development hereby authorised shall be carried out in accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority. Reason: In order to avoid doubt and in the interests of good planning.
3. **SUSTAINABILITY & ENERGY EFFICIENCY** The proposed dwellings hereby approved shall not be occupied until it has been demonstrated to the local planning authority that the development meets the Code for Sustainable Homes Level 4 or above. Reason: To promote sustainable development in accordance with UDP policy UD2 and London Plan policy 5.2.
4. **SURROUNDINGS & PLANNING** A scheme for the treatment of the surroundings of the proposed development including the planting of trees and/or shrubs shall be submitted to, approved in writing by the Local Planning Authority, and implemented in accordance with the approved details. Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity.
5. **DEVELOPMENT SAMPLES TO BE SUBMITTED** Samples of all materials to be used in conjunction with the proposed development for all the external surfaces of buildings hereby approved, areas of hard landscaping and boundary walls shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references. Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.
6. **DETAILS STORAGE/COLLECTION** Details of a scheme for the storage and collection of refuse from the premises shall be submitted to and approved by the Local Planning Authority prior to the commencement of the use. The approved scheme shall be implemented and permanently retained to the satisfaction of the Local Planning Authority. Reason: In order to protect the amenities of the locality in compliance with Policy UD3 'General Principles' of the Haringey Unitary Development Plan.
7. **LIFETIME HOMES** The development hereby approved shall be carried out in accordance with Lifetime Homes standards. Reason: To provide housing for the broadest range of households and in order to comply with Policy 3.8 of the London Plan.

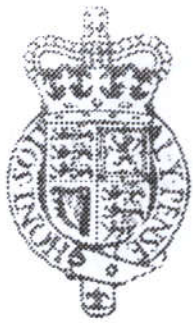
REASONS FOR APPROVAL

The proposal is broadly consistent with the development plan. In this case significant weight has been given to a recent appeal decision. The current scheme addresses a shortcoming in that Inspector's decision.

APPENDICES

APPENDIX 1

Appeal Decisions



Appeal Decision

Please circulate and refer to FK

Site visit made on 20 January 2003

by **Graham Garnham BA BPhil MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

18 FEB 2003

Appeal Ref: APP/Y5420/A/02/1100544

Land at Boyton Road and junction of Pembroke Road, London N8

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Saar against the decision of the Council of the London Borough of Haringey.
- The application ref: HGY/2002/0432, dated 25 March 2002, was refused by notice dated 23 July 2002.
- The development proposed is "development of 12 flats".

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. I have identified the appeal site by using the address on the Council's decision notice. I consider that this gives a more accurate indication of the location of the site than the wording on the application form.

Main Issues

2. I consider that there are 3 main issues. The first is the effect of the proposal on the local streetscene of Boyton Road and Pembroke Road. The second is the effect of the proposal on the living conditions of the residents of nearby dwellings, with respect to overlooking, loss of privacy and overshadowing. The third concerns the implications of the proposal for on-street parking and road safety.

Development Plan and other Planning Policies

The development plan

3. The development plan is the London Borough of Haringey Unitary Development Plan (1998) [UDP]. Of the 11 UDP policies quoted by the Council in the reasons for refusal, 8 concern the design of new development. DES 1 indicates that good design will be encouraged, and DES 1.1 lists several matters in relation to which good design will be assessed. These matters are the subject of further policies, in which the relationship of new development to its surrounding is an important theme. Thus policy DES 1.2 indicates how new buildings should fit in to the surroundings. In areas of varied townscape of little quality, infill development should have independence of form and design; may offer new compositions and points of interest; should be disciplined by building lines and scale of area; and should have regard to the form and materials of adjoining buildings. Policy DES 1.3 concerns an appropriate sense of enclosure, and height and scale with respect to surroundings. Policy DES 1.4 sets out further how the Council will have regard to such matters as building lines. Appropriate landscaping, where required, is the subject of policy

DES 1.8. Policy DES 1.9 concerns the privacy and amenity of neighbours, and the text at paragraph 8.58 sets out the Council's normal separation distances to prevent overlooking and loss of privacy between facing windows. Finally in this part of the UDP, policy DES 1.10 indicates that the Council will seek to prevent the overdevelopment of individual sites, including with respect to other design policies.

4. Other provisions of the UDP that have been referred to include policy HSG 2.2, which intends that residential densities should not exceed 350 habitable rooms per hectare [350hrh]. Policy OP 2.1 indicates that public open space will be safeguarded and enhanced to fulfil local requirements. Finally, policy TSP 7.1 indicates that proposals that do not have regard to the UDP's parking standards will normally be refused.
5. The Council also refers to its supplementary planning guidance, *SPG 2.3 Standards required in new residential development*, in respect of garden provision. It is not clear whether this document has been adopted following public consultation, and it is therefore something to which I can attach only limited weight.

National planning policy

6. My attention has also been drawn to 3 Planning Policy Guidance notes [PPGs]. These are PPG1, *General Policy and Principles* (1997); PPG3, *Housing* (2000); and PPG13, *Transport* (2001). PPG1 indicates that particular policies of the development plan may be superseded by more recent planning policy guidance issued by the government. The other PPGs cited draw attention to, among other things, the need to make effective re-use of urban land, and to seek greater intensity of development at places with good access to public transport, such as town centres. Similarly, significantly lower levels of off-street car parking can be considered in such locations.

Reasons

First main issue – effect on the local streetscene

7. The proposal would replace a redundant single storey industrial building with 12 flats, accommodated on 4 floors, in a building of a modern, urban design that would occupy the whole site. The use, scale, materials and design are generally in keeping in an area of blocks of flats of 20th century origin and 3 or 4 storeys high. However, in contrast to the proposal, which would be built flush with the back of footpath, the surrounding development is generally set back from the highway. Shelley House forms a clear building line along the east side of Boyton Road north of the appeal site, some 4 metres from the back of footpath. Seen from the north, the proposal would present a largely featureless rear elevation across the full width of this set back, and would be higher than the adjoining flats.
8. In Pembroke Road, the newer housing is set back behind grass, shrub planting or parking bays. The older 3 storey terraced housing in Campsbourne Road, which adjoins Pembroke Road on the other side from the appeal site, is set back a small but significant distance from the highway. In my view, a building of the height proposed, at the back of the footpaths on a 90 degree corner, would appear dominant and out of context in the streetscenes of both Boyton Road and Pembroke Road, compared to the prevailing layout of the area.
9. I recognise that a strict adherence to all local building lines may not be possible in this case. I also note that the proposal has been designed to provide a point of interest at the junction,

in an area identified as being of varied townscape of little quality. It would result in the removal of an unattractive building without, in my view, having an adverse impact on the adjoining communal open space. However, I consider that the existing building is relatively unobtrusive and, in any event, greater weight in townscape terms should be given to the surroundings that will remain than to a building that would disappear. Thus notwithstanding certain design merits of the proposal, I consider on balance that it would not relate satisfactorily to prevailing building lines in the surrounding area, and would appear unduly dominant as a result of its height at back of footpath. In my view, there would be a harmful effect on the local streetscene of Boyton Road and Pembroke Road. This outcome would conflict with the intentions of UDP policies DES 1, DES 1.1, DES 1.2 and DES 1.4.

Second main issue – effect on living conditions

10. The main south elevation of the proposal would contain bedroom windows on the face of the building, with full height glazing to living/dining areas set back behind narrow balconies. The appellant has measured as 16.5 metres the separation distance to the 3 storey Campsbourne House on the opposite side of Pembroke Road. The UDP indicates that in the interests of privacy the minimum distance between facing habitable rooms should be 20 metres. While this may be reduced across a public highway, it should be increased by 10 metres for each additional storey height. Some relaxation of the UDP standard may be acceptable, given existing separation distances in the locality, but not in my view by the amount required by the proposal. I consider that the combination of the extent of the openings on the proposed building and its nearness to Campsbourne House would result in overlooking and loss of privacy to the existing residents.
11. The rear elevation of the proposed building would extend over the full depth of the amenity and drying area behind Shelley House. By virtue of its height and position to the south, the proposal would cast a significant shadow over this area and the nearby windows in the east elevation of Shelley House. I consider that the resultant loss of sunlight and daylight would be detrimental to the living conditions of adjoining residents.
12. With respect to the second issue, I conclude that the proposal would have harmful effects on the living conditions of the residents of nearby dwellings, with respect to overlooking and loss of privacy to the south and overshadowing to the north. This would be contrary to the provisions of UDP policies DES 1, DES 1.1 and DES 1.9 concerning the protection of existing amenities, and would represent overdevelopment in relation to policy DES 1.10.

Third main issue – implications for parking and highway safety

13. The proposal makes no provision for off-street car parking, and is described by the appellant as a "car free" development. I note that some older social housing in the area has no off-street parking, though the newer development in Pembroke Road appears to have integral parking below the flats. In my view, the appeal site is well located with respect to local facilities and public transport, in particular the shops and bus stops some 200 metres away on Hornsey High Street. In these circumstances, and bearing in mind more recent government advice in PPG13, I consider that it would be justifiable not to require full compliance with UDP parking requirements in this case.
14. However, in the absence of any means to restrict parking by residents, I am concerned that any on-street parking that would be generated by the proposal could create a safety risk, given the closeness of the entrance to the development to the junction of Boyton Road and

Pembroke Road. The appellant has suggested that a section 106 agreement would support a "car free" development. However, no such agreement is before me.

15. In the absence of means of ensuring that the development would be "car free", I conclude that the lack of any off-street parking would be likely to result in on-street parking. This would have adverse implications for road safety close to the road junction that the appeal site abuts. This outcome would be contrary to the intentions of UDP policy TSP 7.1, which include the maintenance of road safety.

Other Considerations

16. The Council is also concerned at the high density of the proposed development and the lack of amenity space or communal gardens for its residents. The appellant has not disputed the Council's density figure of 922hrh for the development, contending that more recent government advice may have superseded the UDP requirement. However, I note that a scheme of 12 dwellings on a site of 0.028 hectares would represent a density significantly above that needed to comply with PPG3. The high density of the proposed scheme is closely related to the problems I have identified in my consideration of the main issues, and I consider that the conflict with policy HSG 2.2 adds weight to my findings on them.
17. The proposed scheme shows a small terrace/balcony outside the living/dining room of the 8 1-bedroom flats on the ground and first floors. This would be enhanced for the 2 and 3-bedroom flats above by the use of the balcony that occupies 3 sides of the top floor. The Council's SPG 2.3 indicates a preference for adequate external space to be provided, with communal open space being acceptable for flatted developments. Balconies and terraces can be taken into account. Giving due weight to the SPG, and having regard to the proposed provision, I consider that the residents of the scheme would be adequately provided with external space. However, I do not consider that this matter outweighs the findings I have come to with respect to the main issues I have identified.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

19. In exercise of the powers transferred to me, I dismiss the appeal.

Information

20. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



INSPECTOR



Appeal Decision

Site visit made on 14 June 2012

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 July 2012

Appeal Ref: APP/Y5420/A/12/2171327

Cleopatra House, Pembroke Road, London N8 7RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Baruch Saar against the Council of the London Borough of Haringey.
 - The application, Ref HGY/2012/0045, is dated 19 December 2011.
 - The development proposed is the demolition of existing warehouse and erection of part 3, part 4 storey block including 8 flats, lift, refuse and cycle store.
-

Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The proposal to redevelop this site is said to address deficiencies in a previous scheme refused on appeal in 2003 (*Ref APP/Y5420/A/02/1100544*). The appellant's design and access statement details the changes made to the earlier scheme, and how the previous Inspector's concerns have been addressed. Development Plan policies have changed since the last appeal.
3. There is no decision notice, and the Council has not submitted representations, but an internal Council memorandum relating to highway and parking matters has been put before me.
4. Having regard to what I have seen and read, I consider that the revised scheme has successfully addressed the previous Inspector's concerns in respect of the effect on the local street scene and the living conditions of nearby residents. In this respect, the scheme is of a reduced scale and bulk, being comprised of 8 rather than the previously proposed 12 flats. The design of the scheme is appropriate to its context, and the height of the block would not be unlike that of other development in the locality.
5. By introducing high level fenestration on the Pembroke Road elevation, the prospect of Campsbourne House on the opposite frontage being unacceptably overlooked is avoided. The revised design successfully addresses the previous problem of unacceptable overshadowing of neighbouring property.

Main issue

6. Having regard to the foregoing the main issue is the effect of the proposed development on highway safety.

Reasons

7. The appellant envisages a 'car free' development under the terms of policy M9 of the Haringey Unitary Development Plan (UDP). This policy is consistent with the provisions of the *National Planning Policy Framework* (the Framework) in respect of the need to promote sustainable transport, but little or no information has been provided as to how the appellant considers the concept of a car free development would be put into successful operation.
8. In the memorandum of 16 February 2012 to the Planning Department, the Council's Transportation Officer explains that the site does not meet the criteria of UDP policy M9, and the absence of parking facilities may result in additional demand for on-street car parking, having adverse consequences for road safety, as feared by the Inspector conducting the 2003 appeal.
9. The appellant has not adequately explained how the intention to adopt a car-free development chimes with the detailed criteria of UDP policy M9. According to the appellant, the site has a Public Transport Accessibility Level (PTAL) of 5, or very good, whilst the Council considers it to be 2, or poor. Information provided on Transport for London's Planning Database, supports the Council's view of the site's PTAL level. UDP policy M9 requires public accessibility to be good, and the site fails to meet this criterion.
10. No information has been provided by the appellant as to whether the site lies within or close to a controlled parking zone (CPZ) or whether one is likely to be provided shortly. According to the Council the site does not fall inside a CPZ. Policy M9 requires a CPZ either to exist or to be provided prior to the occupation of the proposed development.
11. The detailed criteria of UDP policy M9 need to be met, in my view, otherwise a car free development is not likely to be practical or viable. Future residents would probably bring cars to the site. No survey information as to parking demand has been provided, but I saw, during my visit, that on street demand for parking was fairly high in the locality.
12. In the absence of detailed proposals from the appellant as to how a car free development would operate successfully without meeting the detailed criteria of UDP policy M9, I cannot but conclude that the proposed development, without adequate on site parking provision, would probably lead to harmful consequences for local road safety. There would be increased congestion, and in the absence of available on street parking spaces, motorists may and would probably be tempted to park dangerously on street corners and junctions.
13. I conclude that the proposal to create a car free development does not meet the detailed criteria of UDP policy M9, and the development accordingly is likely to put highway safety at risk.

Other matters

14. I have taken account of all other matters, including the appellant's comments on the Framework, but no matter raised is of such significance as to outweigh the considerations that led me to my conclusion.

G Powys Jones

INSPECTOR